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September 22, 2016

Hon. Debra C. Freeman  
United States Magistrate Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street, Courtroom 17A  
New York, NY 10007-1312

**Re: *Rosario v. Mis Hijos Deli Corp., et. al.***  
**CA No. 15-cv-6049 (LTS) (DCF)**

Your Honor,

We represent Defendants Mis Hijos Deli Corp., Palma Grocery Corp., 251 E. 123<sup>rd</sup> St. Realty LLC, Jose Palma, Leonida Collado, and Junior Palma in the above referenced matter. We write to respectfully ask for a thirty day extension of time with respect to the filing of motions for summary judgment in this action from the current deadline of September 28<sup>th</sup>, 2016 to October 28<sup>th</sup>, 2016.

An extension is required because Defendants intend to move for summary judgment and as of this date, Defendants do not have all of the information necessary to make such a dispositive motion.

For example, it was only yesterday, on September 21<sup>st</sup>, 2016, that Defendants received from Plaintiff the third party production provided to them by Mitchell Mund and Mund Business Services Inc. on August, 25, 2016. Similarly, it was only on this day, September 22<sup>nd</sup>, 2016, during the deposition of defendant Jose Palma Sr., that plaintiff's counsel turned over the transcript for the depositions of Leonida Collado, held on July 29<sup>th</sup>, 2016, and Jose Palma Jr. ("Junior Palma"), held on July 26<sup>th</sup> and 29<sup>th</sup>, 2016, to be reviewed and verified.

Moreover, defendant Jose Palma Sr., testifying on his behalf and on behalf of 251 E. Realty LLC ("Realty"), was not deposed until September 22, 2016. As Your Honor is aware, it is and has always been Defendants' position that Realty is an inappropriate defendant in this action. Being as this is the key deponent in this regard, and given the fact that neither the transcript nor the verification will be ready for several days, Defendants Mr. Palma Sr. and Realty would be severely prejudiced by not having enough time to draft a motion for summary judgment.

Prior to making this request, counsel asked plaintiff for consent to this adjournment. Plaintiff's counsel consents only to the extent that he is not thereby waiving his rights to deem any filed motion as frivolous, in accordance with the Federal Rules of Civil Procedure.

Very truly yours,

/s/ Argilio Rodriguez  
Argilio Rodriguez, Esq.

*Counsel for Defendants*